

## **Amendments to the Claims**

This listing of claims will replace all prior versions and listing of claims in the application.

### **Listing of Claims**

Claim 1 (cancelled)

Claim 2 (cancelled)

Claim 3 (cancelled)

Claim 4 (cancelled)

Claim 5 (cancelled)

Claim 6 (cancelled)

Claim 7 (cancelled)

Claim 8 (cancelled)

Claim 9 (cancelled)

Claim 10 (cancelled)

Claim 11 (currently amended): An RNA hairpin construct comprising a promoter operably linked to a sense-oriented RAFTIN1 nucleotide sequence, an intron and an antisense-oriented RAFTIN1 nucleotide sequence, the sense-oriented RAFTIN1 nucleotide sequence comprising SEQ ID NO: 29, SEQ ID NO: 30, SEQ ID NO: 32, SEQ ID NO: 33, SEQ ID NO: 35, SEQ ID NO: 36, SEQ ID NO: 37 or SEQ ID NO: 38 and the antisense-oriented RAFTIN1 nucleotide sequence comprising the antisense sequence of SEQ ID NO: 29, SEQ ID NO: 30, SEQ ID NO: 32, SEQ ID NO: 33, SEQ ID NO: 35, SEQ ID NO: 36, SEQ ID NO: 37 or SEQ ID NO: 38, the construct conferring male sterility or modulated male fertility in plant cells, plant seeds or plants transformed with the construct .

Claim 12 (currently amended): A transformation vector comprising a sequence-encoding the RNA hairpin construct of claim 11.

Claim 13 (currently amended): The transformation vector of claim 12 wherein said ~~sequence encoding~~ the RNA hairpin construct is operably linked to and under the control of a RAFTIN1 gene promoter sequence.

Claim 14 (original): A method for producing a cell of a plant having male sterility or modulated male fertility which method comprises transforming said cell with the transformation vector of claim 12.

Claim 15 (original): A method for producing a plant having male sterility or modulated male fertility which method comprises transforming a cell of said plant with the transformation vector of claim 12 and multiplying said cell to yield said plant.

Claim 16 (currently amended): A transformed plant cell comprising a ~~sequence encoding~~ the RNA hairpin construct of claim 11.

Claim 17 (original): A male-sterile plant or seed thereof comprising transformed plant cells as defined in claim 16.

Claim 18 (cancelled)

Claim 19 (cancelled)

Claim 20 (cancelled)

Claim 21 (currently amended): The construct of claim 11 ~~20~~, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.

Claim 22 (cancelled)

Claim 23 (currently amended): The transformation vector of claim 12 ~~22~~, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.

Claim 24 (cancelled)

Claim 25 (new): The method of claim 14 ~~24~~, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.

Claim 26 (cancelled)

Claim 27 (currently amended): The cell of claim 16 ~~26~~, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.

Claim 28 (cancelled)

Claim 29 (currently amended): The plant or seed of claim 17 ~~28~~, wherein the promoter comprises SEQ ID NO: 31, SEQ ID NO: 34 or SEQ ID NO: 39.